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R E M A R K S

Reconsideration of the present application in view of the amendments and following remarks is respectfully requested. Claim 11 has been amended. Thirteen claims are pending in the application: Claims 1 through 13.

35 U.S.C. § 102

Claims 9 and 11-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,227,863 (*Bilbrey et al.*).

Bilbrey et al. disclose a programmable digital video processing system for processing of video signals from multiple sources converted into a digital format. The system includes a video system module 20 coupled to a memory module 30 and an input module 40 as well as to a display device 42. In the illustrated embodiment of Fig. 1, the video system module 20 comprises a central mother board on which the optional daughter board memory module 30 may be mounted and in which an optional daughter board input module may be mounted. Alternatively, other configurations may be used, for example, the video processor 20, memory module 30, and input module 40 may comprise a single circuit board. The system is configured to fit into a conventional NuBus slot of a host microcomputer via a NuBus connector 28. In all of the embodiments, the entire system is coupled to a single mother board that fits into a NuBus slot of a host microcomputer (See *Bilbrey et al.* Column 4, lines 7-9).

In contrast, Applicant's claim 9 recites a processing module and a presentation module, "the presentation module being

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separate from and operating independently of the processing module." Advantageously, as described in Applicant's specification, having a separate processing module and presentation module, in some embodiments, can allow a family of digital televisions to be created through interchanging various combinations of processing and presentation modules with a global interface. The system of *Bilbrey et al.* does not teach, suggest or contemplate such a separate modular design.

The Examiner has stated that the processing module is met by A/D block 70 of Fig. 1 and that the presentation chassis is met by the video system controller 22/display 52 of Fig. 1. However, the Examiner has not shown, and *Bilbrey et al.* does not teach or suggest that the A/D block 70 is "separate from and operates independently of" the video system controller 22/display 52. In contrast, as described above, the A/D block 70 and the video system controller 22 are implemented in order to fit into a conventional NuBus slot of a host microcomputer via a NuBus connector 28. The system of *Bilbrey et al.* is designed as a single system that fits into a NuBus slot of a computer. This system is not the modular television architecture as recited in claim 9, but is a cohesive digital video image processing system designed for a single NuBus slot of a computer.

Therefore, *Bilbrey et al.* does not teach or suggest a processing module and a presentation module, "the presentation module being separate from and operating independently of the processing module," such as is claimed by Applicant. Further the various advantageous of Applicant's claimed architecture are not contemplated or viable in the system described by *Bilbrey et al.* Thus, Applicant respectfully submits that *Bilbrey et al.* does not anticipate claim 9 and the rejection is overcome.

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Claim 11 has been amended to recite a processing module and a presentation module, "the presentation module being separate from and operating independently of the processing module." Therefore, for the same reasons recited above with regard to claim 9, the rejection of claim 11 is overcome. The rejection of claim 12 is overcome at least because of its dependency upon claim 11.

Therefore, Applicant respectfully submits that the rejection is overcome and claims 9 and 11-12 are in condition for allowance.

35 U.S.C. § 103

Claims 1-3, 5, 10 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over by U.S. Patent No. 5,227,863 (*Bilbrey et al.*).

M.P.E.P Section 2142 states that "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As stated above with regard to the rejection under section 35 U.S.C. 102(b) *Bilbrey et al.* does not teach or suggest a processing module and a presentation module, "the presentation module being separate from and operating independently of the processing module," such as is claimed by Applicant in independent claims 9 and 11. Further, for the same reasons as

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stated above with reference to claims 9 and 11, Applicant's submit that *Bilbrey et al.* does not teach or suggest a processing chassis and a presentation chassis, "the presentation device chassis being separate from the processing chassis," such as recited in Applicant's independent claim 1.

Therefore, because *Bilbrey et al.* does not teach or suggest all of the limitations of independent claims 1, 9 and 11, Applicant respectfully submits that a prima facie case of obviousness under 35 U.S.C. 103(a) has not been made.

Additionally, regarding claim 1, the Examiner has relied upon *In re Harza*, 27 F.2d 669 (CCPA 1960) in order to support the assertion that having multiple power sources would be considered an obvious modification to one of ordinary skill in the art. M.P.E.P section 2144.04, entitled "Legal Precedent as Source of Supporting Rational" states that "if the facts in a prior legal decision are sufficiently similar to those in an application under examination, the examiner may use the rationale used by the court...If the applicant has demonstrated the criticality of a specific limitation, it would not be appropriate to rely solely on case law as the rational to support an obviousness rejection.

In re Harza, as discussed in the M.P.E.P. involved claims direct to a water-tight masonry structure wherein a water seal of flexible material fills the joints which form between adjacent pours of concrete. Applicant submits that these facts are not even remotely similar to the facts underlining the current application. A water-tight masonry structure is not sufficiently similar to a modular digital television architecture to provide supporting rational for why it would be obvious to include multiple power supplies in Applicant's design.

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Therefore, Applicant submits that *In re Harza* does not provide sufficient rational or motivation for modifying the system of *Bilbrey et al.* as suggested by the Examiner.

Further, claim 1 recites a processing chassis and a presentation chassis, "the presentation device chassis being separate from the processing chassis and including a dedicated power source of the presentation chassis being different from the power source of the processing chassis." The system of claim 1 is a modular television architecture with "the presentation device chassis being separate from the processing chassis." Having separate power supplies for each chassis is advantageous for some embodiments of the modular television architecture as described throughout the originally filed specification. As described above *Bilbrey et al.* does not teach or suggest a processing chassis and a presentation chassis, "the presentation device chassis being separate from the processing chassis," such as recited in Applicant's independent claim 1. Therefore, there would be not motivation in *Bilbrey et al.* to provide separate power supplies in *Bilbrey et al.* as there is only one chassis to provide power to. An additional power supply in *Bilbrey et al.* would provide no advantage to the system. Therefore, Applicant respectfully submits that there is no motivation to modify *Bilbrey et al.* as suggested by the Examiner and that for this additional reason the rejection is overcome.

Thus, Applicant respectfully submits that the rejection is overcome and all of the pending claims are in condition for allowance.

While Applicant submits the present rejections are all overcome, Applicant also specifically challenges the Examiner's

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assertion of Official Notice in the present office action. If the Examiner should continue the assertion of official notice in a later office action, Applicant specifically request the Examiner to provide evidentiary support for such assertion as required under M.P.E.P section 2144.03.

Double Patenting

Claims 1-9 stand provisionally rejected under the doctrine of non-statutory double patenting in view of copending 09/862,391.

Until such time as either the present application of U.S. Patent Application No. 09/862,391 issues into a patent no action is required by Applicant. Applicant will consider filing a terminal disclaimer in the present application at such time a notice of allowance is received in U.S. Patent Application No. 09/862,391 or U.S. Patent Application No. 09/862,391 issues into a patent. Therefore, the present provisional rejection is overcome.

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C O N C L U S I O N

In view of the above, Applicants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited. Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



Martin R. Bader
Reg. No. 54,736

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Address all correspondence to:

FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Ste. 1600
Chicago, IL 60603
(858) 552-1311